

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1156 of 2020

Bhagirathi Sethiya S/o Gangaram Sethiya, Aged About 28 Years R/o
Village Bade Arapur Tahsil Tokapal District Bastar Chhattisgarh, District :
Bastar(Jagdulpur), Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through The Police Station Kodenaar, District
Bastar Chhattisgarh **---- Respondent**

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.15/2020 registered at Police Station –Kodenaar, District Bastar (C.G.) for alleged commission of offence under Section 294, 323, 506, 498 of IPC.
2. The prosecution case is that the applicant committed cruelty on his wife and she was assaulted also on 19.08.2018 in panchayat meeting.
3. Learned counsel for the applicant would submit that the allegations against the applicant are false and fabricated. He would submit that wife of the applicant has not been residing with him since long more than two years. On 02.02.2018, the applicant had sent the notice requiring wife to come back to the matrimonial house towards restitution of conjugal rights but she did not come. On 19.08.2018 village meeting was held and in that village meeting, no decision could be arrived at because of dispute between the parties. Thereafter, the wife instituted a case alleging domestic violence. In that case also, a settlement was arrived at, however, the marital life could not remain peaceful and now on 21.02.2020, FIR has been lodged alleging assault on 19.08.2018.
4. On the other hand, learned counsel for the State would submit that from

perusal of the FIR, a prima facie case is made out regarding applicant committing cruelty on his own wife in many ways including physical assault, therefore, the applicant may not be granted bail.

5. On prima facie consideration, it is found that a notice of restitution of conjugal rights was sent by the applicant on 02.02.2018 meaning thereby that since that time, the wife of the applicant was not residing with him. The allegation of assault has been leveled on the applicant by lodging FIR on 21.02.2020 in respect of the incident, which is alleged to have been taken place about 1½ years before. The period is also intervened by institution of case of domestic violence and compromise between the parties, therefore, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E